

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

DAVID WILLIAMS, pro se
Plaintiff,

V.

DAVID NOLAN, PETER E. ALLEN,
KRISTIE LADOUCEUR, SHERRY
ELLIOTT, GARY FYFE, FRANCIS
MacKINNON,
Defendants.

District Court Docket No.
05-cv-11104-MLW

MOTION FOR ORDER OF NOTICE FOR SERVICE BY
PUBLICATION

Now comes the plaintiff pursuant to Rule 4 (d), of the Federal Rules of Civil Procedure and M.G.L. c. 227 § 7, and moves before this Court to issue an Order of Notice for Service by Publication to Defendant Peter E. Allen. In support of this motion the plaintiff files memorandum of reason herewithin.

MEMORANDUM OF REASON

On June 18, 2005 service of process was attempted by certified mail that was returned stating ATTEMPT/NOT KNOWN by the United States Postal Service. On August 10, 2005, the plaintiff received a letter from Department of Correction, Attorney Richard C. McFarland stating Peter Allen is no longer employed by the Department of Correction.

On August 14, 2005 service of process was attempted by United States Marshals Service and returned August 20, 2005 as UNEXECUTED BY UNITED STATES POSTAL SERVICE.

On August 25, 2005 another attempt by telephone and first class

to locate defendant Peter E. Allen at 80 Litchfield Street, Brighton MA, telephone number 617-787 1352 without success.

Officials at the Department of Correction refuse to provide any information regarding former employee defendant Peter E. Allen's home address citing disclosure is exempted under M.G.L. c. 66 § 10, as a privacy right.

Plaintiff has after diligently searching he can not find neither defendant Peter E. Allen nor his last and usual place of abode nor any agent upon service could be made.

On August 20, 2005, the United States Marshals Service returned to the clerks office summons and complaint for defendant Peter E. Allen, plaintiff attaches copy of return of service herewithin.

Dated: October 31, 2005.

Respectfully submitted,

David Williams, pro se

David Williams, pro se
w-42189

P.O. Box 100,
So. Walpole, MA 02071-0100

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to: Mr. Kristie Ledoogre General Contractor 50 Maple St, Suite III Milford, MA 01757-3698</p>		<p>A. Signature <u>[Signature]</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <u>Mr. Peter Allen</u> <input type="checkbox"/> Address C. Date of Delivery <u>6/18/05</u> D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label) PS Form 3811, August 2001</p>		<p>Domestic Return Receipt 102595-02-M-1035</p>	
<p>1. Article Addressed to: Mr. Kristie Ledoogre General Contractor 50 Maple St, Suite III Milford, MA 01757-3698</p>		<p>A. Signature <u>[Signature]</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <u>Mr. Peter Allen</u> <input type="checkbox"/> Address C. Date of Delivery <u>6/18/05</u> D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
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<p>2. Article Number (Transfer from service label) PS Form 3811, August 2001</p>		<p>Domestic Return Receipt 102595-02-M-1035</p>	
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<p>2. Article Number (Transfer from service label) PS Form 3811, August 2001</p>		<p>Domestic Return Receipt 102595-02-M-1035</p>	

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF	DAVID WILLIAMS, pro se	COURT CASE NUMBER	05-cv-11104-MLW
DEFENDANT	David Nolan, et al.	TYPE OF PROCESS	JUDICIAL LAND CONDEMN
SERVE ➔	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	MR. PETER ALLEN		
AT	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)		
	20 MAPLE ST. Suite 3, Allston, MA 02157-3695		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	1
Mr. David Williams 2041189 10000 20000, MA 02107-0100		Number of parties to be served in this case	10
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

PLEASE MAIL TO
MR. PETER ALLEN
80 LITCHFIELD ST.
BRIGHTON MA 02135
617 787 1353

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
David Williams pro se		NONE	August 25, 05

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. _____	No. _____		8/25/05

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service
	Time
	am
	pm
	Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund

REMARKS:

NOTE

CERTIFIED MAIL



7002 0510 0004 1359 3549

U.S. Department of Justice
 United States Marshal's Service
 District of Massachusetts
 U.S. Courthouse
 1 Courthouse Square
 Boston, MA 02108
 Official Business
 Penalty for Private Use \$300

**NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD**

PETER ALLEN
 50 MAPLE ST, SUITE-3
 MILFORD, MA 02071

UTF

**NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD**

NINE
 1st
 2nd
 3rd

STAMPED IN ET
 PERSON HAS RETI

DER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece. Note Addressed to:

**DEPARTMENT OF COMMERCE
 FEDERAL RESERVE
 1000 MOUNT WASHINGTON
 WASHINGTON, DC 20550**

A. Signature ☒ X
 B. Restricted Delivery ☐
 C. Return Receipt ☐
 D. Agent ☐
 E. Address ☐

COMPLETE THIS SECTION ON DELIVERY

NOT DELIVERED
 RETURN TO SENDER
 1000 MOUNT WASHINGTON
 WASHINGTON, DC 20550

PETER ALLEN

PS Form 3811, February 2004
Domestic Return to Mailer (Transfer from service label)

2. Article Number 7002 0510 0004 1354 3549

1. Article Addressed to:
 ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

PETER ALLEN
50 MAPLE ST., SUITE-3
MILFORD, MA 02071

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

3. Insurance ☐ Insured Mail ☐ C.O.D.
☐ Registered Mail ☐ Registered Mail with Return Receipt for Merchandise

5. Signature ☒ Agent ☐ Addressee

6. Return to Sender ☒ Yes ☐ No

7. Return to Office of Origin ☒ Yes ☐ No

8. Return to Office of Origin ☒ Yes ☐ No

9. Return to Office of Origin ☒ Yes ☐ No

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99. Return to Office of Origin ☒ Yes ☐ No

100. Return to Office of Origin ☒ Yes ☐ No

STAMPED IN ERROR,
PERSON HAS RETIRED.

7002 0510 0004 1354 3549

NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

PETER ALLEN
50 MAPLE ST. SUITE-3
MILFORD, MA 02071

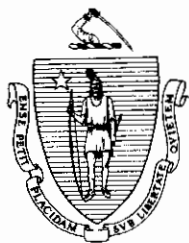
UTP

NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X</p> <p>B. DEPARTMENT OF CORRECTION CENTRAL HEADQUARTERS MILFORD, MA 01757-0000</p> <p>1. Is delivery type or address different from the one on the label? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>2. Service Type: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Insured Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>1. Article Addressed to:</p> <p>PETER ALLEN 50 MAPLE ST., SUITE-3 MILFORD, MA 02071</p>	<p>NOT DELIVERABLE UNABLE TO FORWARD</p>
<p>2. Article Number (Transfer from service label)</p> <p>7002 0510 0004 1359 3549</p>	
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	
<p>Sent to PETER ALLEN Street or PO 50 MAPLE ST., SUITE-3 City, State, ZIP+4[®] MILFORD, MA 02071</p>	
<p>PS Form 3800, January 2002</p>	



Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Edward A. Flynn
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Correction
Legal Division

70 Franklin Street, Suite 600
Boston, MA 02110-1300
(617) 727-3300 Ext. 124
www.mass.gov/doc



Kathleen M. Dennehy
Commissioner

James R. Bender
Deputy Commissioner

Nancy Ankers White
General Counsel

August 10, 2005

David Williams, W42189
MCI-Cedar Junction
Route 1A
P.O. Box 100
S. Walpole, MA 02071

Re: Williams v. Nolan, et al. U.S.D.C. No. 05-11104-MLW

Dear Mr. Williams:

I am in receipt of your two recent letters. First, regarding your letter suggesting that you are amenable to settling this matter without further litigation, I am willing to bring any terms for settlement that you may suggest to the defendants for their review. Accordingly, please forward to my attention any terms you believe may result in the negotiated settlement of this civil action.

With regard to your letter inquiring as the waiver of service summons, please be advised that defendants Nolan, Elliot, Ladouceur, Fyfe and MacKinnon have filed an answer to your civil complaint, thus acknowledging receipt of the complaint. Therefore, the issue of service of process on defendants Nolan, Elliot, Ladouceur, Fyfe and MacKinnon is moot at this time. It is my understanding that Peter Allen is no longer employed by the Department of Correction.

Sincerely,

Richard C. McFarland

RCM/am